

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS PROPERTY CASUALTY COMPANY  
OF AMERICA a/s/o Ethical Culture Fieldston School  
and Ethical Culture Fieldston,

07CV11178

Plaintiffs,

- against -

ANSWER TO  
CROSS-CLAIMS

TISHMAN CONSTRUCTION CORPORATION  
OF NEW YORK, JOHN CIVETTA & SONS, INC.,  
AMBROSINO, DEPINTO, SCHMIEDER  
CONSULTING ENGINEERS, P.C., MUNOZ  
ENGINEERING & LAND SURVEYING, P.C.,  
COOPER, ROBERTSON & PARTNERS, LLP,  
and LANGAN ENGINEERING AND  
ENVIRONMENTAL SERVICES, INC.

Defendants.

-----X

DEFENDANT, JOHN CIVETTA & SONS, INC., ("CIVETTA") by and through its attorneys  
RUBIN, FIORELLA & FRIEDMAN LLP, as and for its answer to the cross-claims of Co-Defendant  
Munoz Engineering and Land Surveying, P.C., dated February 19, 2008, upon information and  
belief, as follows:

Denies each and every allegation contained in the cross-claims as they refer to this  
Defendant, and denies knowledge and information sufficient to form a belief as to the truthfulness  
of the allegations therein as they refer to any other Defendant.

WHEREFORE, JOHN CIVETTA & SONS, INC., demands judgment dismissing the  
complaint herein as against it and further demand that the ultimate rights of this defendant and the  
co-defendants TISHMAN CONSTRUCTION CORPORATION OF NEW YORK, AMBROSINO,

DEPINTO, SCHMIEDER CONSULTING ENGINEERS, P.C., MUNOZ ENGINEERING & LAND SURVEYING, P.C., COOPER, ROBERTSON & PARTNERS, LLP, and LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC., as between themselves, be determined, and that JOHN CIVETTA & SONS, INC., have judgment against these co-defendants for all, or that portion of any verdict or judgment which may be obtained herein by the plaintiff against this answering defendant to the extent that the responsibility of the co-defendants contributed to plaintiff's loss, together with the costs and disbursements of this action.

Dated: New York, New York  
February 21, 2008

Yours truly,

RUBIN FIORELLA & FRIEDMAN, LLP,



By: Patrick J. Corbett Esq.  
RUBIN, FIORELLA & FRIEDMAN LLP  
Attorneys For John Civetta & Sons, Inc.  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, NY 10017  
(212) 953-2381  
Our File No.: 587-10174

To:

Kaufman Borgeest & Ryan LLP  
Stephanie B. Gitnik, Esq. (SG 3977)  
Michael P. Mezzacappa (MM 0757)  
Attorneys for Defendant  
MUNOZ ENGINEERING & LAND  
SURVEYING, P.C.  
200 Summit Lake Drive, First Floor  
Valhalla, NY 10595  
914-741-6100  
File No.: 726.006

Robert C. Sheps, Esq.  
Sheps Law Group, P.C.  
35 Pinelawn Road, Suite 106E  
Melville, NY 11746

Mark S. Krieg, Esq.  
Krieg Associates, P.C.  
Attorneys for COOPER,  
ROBERSON & PARTNERS, LLP  
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Dix Hills, NY 11746  
631-499-8406

Thomas H. Kukowski, Esq. (TK-1749)  
Leonardo D'Allessandro (LD-0688)  
Milber Makris Plousadis & Seiden, LLP  
Attorneys for AMBROSINO, DEPINTO &  
SCHMIEDER CONSULTING ENGINEERS, P.C.  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, NY 10601  
914-681-8700

William Bennett, III, Esq.  
Bennett, Giuliano, McDonnell & Perrone, LLP  
Attorneys for TISHMAN CONSTRUCTION  
CORPORATION OF NEW YORK  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York, NY 10001  
646-328-0120

Langan Engineering and Environmental Services, Inc.  
21 Penn Plaza  
360 West 31<sup>st</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10001-2727

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK        )

                                  )ss.:

COUNTY OF NEW YORK )

**CHERYL ZALTSMAN**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in Brooklyn, New York.

          That on the 21<sup>st</sup> day of February, 2008, deponent served the within **ANSWER TO CROSS-**

**CLAIMS** via Regular Mail upon:

Kaufman Borgeest & Ryan LLP  
Stephanie B. Gitnik, Esq. (SG 3977)  
Michael P. Mezzacappa (MM 0757)  
Attorneys for Defendant  
MUNOZ ENGINEERING & LAND  
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SCHMIEDER CONSULTING ENGINEERS, P.C.

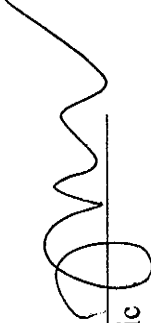
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New York, NY 10001-2727

in this action at the address designated by said attorneys for that purpose by depositing same enclosed  
in a post-paid properly addressed wrapper, in an office depository under the exclusive care and  
custody of the United States Postal Service within the State of New York.

Sworn to before me this  
21<sup>st</sup> day of February, 2008

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Cheryl Zaktsman

**PATRICK J. CORBETT**  
Notary Public, State of New York  
Reg. No. 02006118029  
Qualified in Westchester County  
My Commission Expires November 1, 2012 

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SOUTHERN DISTRICT OF NEW YORK

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Defendants.

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ANSWER TO CROSS-CLAIMS

RUBIN, FIORELLA & FRIEDMAN LLP  
*Attorneys for Defendant*  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
(212) 953-2381  
Our File No. 587-10174

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

\_\_\_\_ Notice of Entry

that the within is a (certified) true copy of a  
of the within named Court on

, 2002.

duly entered in the Office of the Clerk

\_\_\_\_ Notice of Settlement

that an order of which the within is a true copy, will be presented for settlement to the  
HON. \_\_\_\_\_ on

2007 at \_\_\_\_m.

Dated:

Yours, etc.,

RUBIN, FIORELLA & FRIEDMAN LLP  
*Attorneys for Defendant/Third-Party Plaintiff*  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
(212) 953-2381

To:

Attorney(s) for